

BY THE HOUSE OF DELEGATES,

FEBRUARY 18th, 1867.

Read and referred.

FEBRUARY 19th, 1867.

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REPORT

OF THE

SELECT COMMITTEE

ON THE

PENITENTIARY.

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REPORT.

To the Speaker, and

Members of the House of Delegates

of Maryland:

GENTLEMEN :

The undersigned composing a select Committee, appointed by your Honorable Body, with instructions to investigate the affair of the Maryland State Penitentiary, and report to the House of Delegates, &c., having discharged the duty assigned them, would beg leave most respectfully to report as follows :

CONDITION OF THE PRISON.

A careful inspection of the present condition of the prison discloses a state of affairs which elicited expressions of astonishment from your Committee, although we had been led to expect a good deal from the statements set forth in the last annual report of the Board of Directors of the Institution.— We found not only ample verification of the correctness of the statements made in the Report, but *much more* of which to complain and your Committee unhesitatingly pronounce the Maryland Penitentiary “*a nuisance*” of the worst kind; *a burning disgrace* to the State, and an *outrage* upon the poor unfortunates who are confined within its limits. Without attempting to further discuss its condition we would call your attention to the following facts.

The Penitentiary property covers an area within the walls of 4 acres, 2 roods and 28 perches, and of the entire area, there is 1 acre and 39 perches occupied by the various buildings now crowded within the enclosure, to the number of fourteen, large and small. The original plan of the buildings, was such as to provide a Warden's house in front, a Dormitory on either side of this house, and in the rear, the necessary workshops. Our first examination was of the

EASTERN DORMITORY.

This is a brick building, 150 feet in length by 40 in width, containing 320 separate cells, arranged in stories, four in

number. The cells are each 8 feet, 8 inches by 3 feet, 6.—Of the total number of cells, 66 are in the Basement, 7 of these being *dark* cells for punishment, and 4 are totally unfit for use, owing to the dampness. The upper portion of this building is quite comfortable, and furnishes accommodation for perhaps 250 prisoners, but the basement story we found damp, and entirely unfit for use, yet there are confined upon that floor 56 convicts. In this building the Warden is enabled to fulfill the provisions of the Law, which provides for separate confinement, but in no other building within the walls can he do so, and as the prisoners now confined in the Institution, number six hundred and eighty-two, it will be seen that not one half of the entire number are afforded separate confinement, as the law provides. We next visited the

WESTERN DORMITORY.

This is what is described in the Annual Report as the “Old Building,” a most appropriate name, as it was built over fifty years ago, and has been in constant use ever since. This building is also 150 by 40 feet, but is differently constructed having been originally designed as the “Female Department” of the Institution, for which purpose it is still used, but is unworthy the title of *Prison* in any sense of the word, and might be more appropriately termed a “Pest House,” which it literally is, and it would seem like a Providential interposition in favor of the unfortunate inmates, in preserving them, so far, from some sweeping epidemic. The first, or lower story of this building, is divided into 18 rooms, each 10 by 20 feet. Of this number, three rooms are occupied by the Matron, three others are used as a *Kitchen* and *Hospital*, leaving twelve rooms adjoining the *Kitchen* and *Hospital* as sleeping apartments, into which are nightly crowded. *eighty-six females*, white and black, there being as many as *nine* persons in some of the rooms, whilst the law provides for one person. The over-crowded condition of this department ought alone to condemn it as a place totally unfit for the purpose for which it is used; but this abuse is not by far the *worst* of the many now being heaped upon the poor women now immured within this miserable place, and who, although perhaps unfortunate—nay, guilty of misdemeanor, yet, are they each and all entitled to that humane treatment as prisoners which the law designed, but which is at present a moral impossibility, because of want of accommodation. It will doubtless create a feeling of remorse, indignation and compassion in the mind of every reader of this report, when we announce that within this Female Department, in which are immured *eighty-six* poor women, “a garment hung against the wall for *twenty-four* hours, becomes so wet from the dampness, that water can be rung from it,” and yet the in-

mates are compelled to cook, wash and sleep within the walls, because there is no other place within the institution for them. The second story (third floor) is divided into *nine* rooms, 10 by 20 feet, and ten cells 9 by 4 feet each. The cells are occupied by one person each, and the remaining nine rooms are occupied by *seventy-eight* human beings, who are crowded together like brutes, in damp rooms, with little or no ventilation, and the close and foetid atmosphere of the place was almost stifling to us as we entered the premises from the outside.

The fourth story is used for *Hospital purposes*, this being the only building within the enclosure which could be used for the purpose. Upon the same floor is a *Hospital Kitchen*, and sleeping apartments wherein are nightly confined *sixty-nine* persons, *twenty-one* of the beds being crowded together in the passage-ways of the building.

It will be found by the above detailed statement, that there are with in this "old building," which was condemned years ago, and was for many years shut up, and not used. *Two hundred and forty-three* prisoners, of which number *eighty-six* are females, confined in the basement. In this connection, the efficient Warden in reponse to a request from the committee, for detailed information, says: "The female portion I am ashamed to allude to, but circumstances compel me to use it, as it is being used. It is in a most deplorable condition, and is a disgrace to the State. The capacity of the basement is sufficient for about 30 prisoners, yet I am compelled to crowd into its narrow limits, 86 female convicts, and in case of any epidemic breaking out, with the accommodations at my command, I should dread the fearful result, for although I am provided with an attentive, vigilant and able Physician, whom I place every confidence in, I fear that medical skill could not control the fearful inroads of any such contagious disease, as has already visited the City Jail building. I certainly think, in justice to the prisoners, in justice to those having charge of the Institution and in justice to the cause of humanity, a speedy and effective remedy should at once be applied."

THE CHAPEL DORMITORY.

Finding it impossible to furnish accommodations of any kind for the rapid increase of prisoners arriving, the Board of Directors at the suggestion of the Physician, converted the former Chapel into a Dormitory, whereby temporary accommodation is afforded for 128 prisoners. Those occupying it are old men and boys, (short term prisoners,) all negroes. By this arrangement, they were afforded sleeping apartments, but some place being required for them to eat in, a

FRAME BUILDING

which is one story high, constructed in the roughest manner, was erected, in which they partake of their meals, and which is also used upon the Sabbath as a Chapel, religious; services being conducted regularly therein, by Wm. H. Wisong, Esq., a most worthy and highly respected citizen of Baltimore. This building is 80 x 60 feet, and is only fit for *temporary quarters*. It should be at once repaired and replaced by a more substantial structure; the material for which might easily be obtained by tearing down two unoccupied towers, in front, together with a portion of the front building.

THE WORKSHOPS.

We next visited the workshops and carefully examined their condition. We found employed at daily labor in the various shops 325 convicts, as follows:

	Convicts.
Cedar Ware Factory.	125
Cabinet.....	95
Oyster, Oil and Fruit Cans.....	75
Boots and Shoes.....	35

Total.....325

The average amount received for convict labor for the males in the Institution, is 75 cents per diem at this time.

Males in confinement.....	596
Of which there are under contract.....	325
Employed on State account....	84
Remaining idle.....	187

Making.....596

Females in confinement.....	86
Of which there are under contract.....	30
Employed on State account, washing, ironing &c.	30
Remaining idle.....	26

Making.....86

LOST LABOR.

By the above, it will be seen that there are *one hundred and eighty seven* males, and *twenty-six* females in the Penitentiary, who are a dead tax upon the Institution. The advantage of their labor being lost, because of want of room to work them. We found the various workshops already overcrowded, and those who are idle were found huddled together in the temporary frame building, requiring additional guards to keep them in proper subjection; thus increasing the expense of the prison, and at the same time, doing infinite dam-

age in a moral point of view, as all classes and ages of persons are thrown together in one common herd, as it were, the young and old being indiscriminately mixed up, and many young persons who might be reformed, are doubtless made much worse by their constant association with the more hardened criminals. The following statistics will show the approximate amount of *loss* to the State, by the *lost labor* in the Institution:

187 males at 75 cents per diem, for 300 days, (1 year.)	\$42,075
26 females at 40 cents per diem, for 300 days, (1 year.)	3,120

Total loss for 1 year..... \$45,195

This amount would be amply sufficient to erect proper buildings for present use, and whilst improving the moral condition of the convicts would materially reduce the expense of the Institution, by the decrease in the number of guards &c., to watch over those now in idleness.

THE INCREASE OF PRISONERS.

The increase in the number of prisoners received into the Institution during the past year has been unprecedented in its history. The unhappy events attendant upon our late troubles seems to have been in a measure productive of this state of affairs, and it is feared that the recent Act of Congress prohibiting the sale of negroes for criminal offences will increase still more, in proportion the vast increase in the number of convicts as all these cases will now become a tax upon the state for support. The proportion of colored prisoners received were largely in excess over the whites during the year, there being 220 blacks to 144 whites. The colored labor we find, has always been objectionable to the contractors in the Institution as they invariably prefer white labor where mechanical skill, or ingenuity is required.

The following list of the number of colored prisoners received annually for the last seven years, shows the great increase of this class :

	MALES.	FEMALES.	TOTAL.
1860.....	9	0	9
1861.....	1	0	1
1862.....	19	4	23
1863.....	32	17	49
1864.....	29	17	46
1865.....	70	36	106
1866.....	174	46	220
	<hr/> 334	<hr/> 120	<hr/> 454

In a majority of the cases of colored prisoners, they are con-

victed of petty crimes and are sentenced for very short terms, many being for from, one to six months. During the past year, there were 99 of this class sent for terms of one year or less, who are a perfect burden, because of the objections of the contractors to "short term" prisoners, and the objections offered against them are most reasonable. As the prisoner, about the time he becomes valuable to the contractor as an expert hand, in any of the departments, he is discharged by expiration of sentence and his place must again be filled by a new and unexperienced hand. Besides this, each of these "short term prisoners are provided, upon entering with a prison suit, and also upon retiring with a business suit of clothing and \$2 in money, which amounts to a very considerable item of expense annually. Your Committee would suggest a remedy below, but before doing so, would call attention to the following statistics :

Table showing the number of Prisoners received in the Maryland Penitentiary from 1858, to 1866, inclusive; also, the number of white and colored.

Received during the year	1858.....	125
"	" 1859.....	111
"	" 1860.....	124
"	" 1861.....	79
"	" 1862.....	102
"	" 1863.....	164
"	" 1864.....	98
"	" 1865.....	179
"	" 1866.....	364
		<hr/> 1346

Of the recep- tions of	White Males.	White Fem's.	Col'd Males.	Col'd Fem's.	Total.
1858	77	2	42	4	125
1859	92	5	12	2	111
1860	107	8	9	—	124
1861	70	8	1	—	79
1862	72	7	19	4	102
1863	108	7	32	17	164
1864	46	6	29	17	98
1865	65	8	70	36	179
1866	138	6	174	46	364
					<hr/> 1346

Received from December 1st 1866, to date 80.

BEMEDY PROPOSED.

Your Committee after careful examination into the facts, would respectfully suggest some change in the statute relative to minor offences, and the establishment of a House of Correction for the confinement of such criminals, where their labor might be made more available than it can possibly be in the Penitentiary, owing to the objections urged above, or by such legislation as your best judgment may prompt, to relieve the State of the heavy burden now imposed upon her for the annual support of these miserable paupers, for such they actually become when sent for short terms. We would suggest that no prisoner be sent to the Penitentiary for a shorter period than eighteen months, and that some other and better mode of punishment be adopted with the petty offences.

MANAGEMENT OF THE INSTITUTION.

A careful investigation into the past management of the affairs of the Institution reflects great credit upon the present Board of Directors, of which Mr. John Hurst is the worthy President. During the past five years, under the management of the present Board, the Institution has rapidly paid off many outstanding liabilities, and we find the affairs of the Institution in a most healthy condition, in a financial point of view. Their declared object has been to render it "self-sustaining," and we have no hesitation in saying that it can be successfully rendered self-sustaining with proper economy in the management of its finances, if sufficient room were given for the regular employment of the convicts, but unless some immediate relief is granted, it must in its present condition, become a very heavy burden upon the State. In spite of the present high prices of everything used in the Institution, we find that in the past year the Directors have so far succeeded in economizing the expenses of the Institution as to have reduced the cost of supporting the prisoners to 38 $\frac{1}{2}$ cents per diem, which exhibits great care in management. The various buildings furnish ample proof of cleanliness and good order throughout. The Board of Directors, as at present composed, are gentlemen of the highest standing in the community, and in the discharge of their duties seem to have had thoroughly at heart, the best interests, and welfare of the State. The pleasant duty therefore devolves upon us, in conclusion of saying that the affairs of the Institution have been carefully and most discreetly managed, and we believe both Directors, Wardens and Officers have done their whole duty.

A NEW BUILDING REQUIRED.

Having been thoroughly convinced of the absolute necessity for immediate and decided action by the Legislature for the removal of the evils complained of, your Committee have carefully examined and weighed the matter, and are unanimous in their decision that a "new Penitentiary" is required as the old Institution is not fitted in any way, shape or form, for the purpose required. Over one-fourth of the entire area within the walls is now covered by the buildings and so crowded are the premises that the contractors have not room to share their material required in the prosecution of their business. It would, therefore, be utterly impossible to erect new buildings within the present inclosure, even if those already in use were adapted as Prison buildings. The necessity, therefore, arises for more extended accommodations, and taking this view, your Committee carefully examined a number of sites for the purpose, in the city.

THE COST OF AN EXTENSION.

The first inquiry made by us was, as to the cost of "an

extension of the present grounds," in the immediate rear of the present enclosure. We found that a lot of ground bounding on Forrest street, 180 feet, on Eager street, 407 feet, and on Constitution street, 220 feet, might be obtained which would make the present enclosure sufficiently large for new buildings at the following cost:

Ground.....	\$28,200
48 Dwellings now in use.....	72,000
	<hr/>
	\$100,200

If this property were condemned, it is calculated that the actual cost would be \$150,000; as the owners of the property would doubtless take every advantage of the necessities of the State.

Your Committee were however of opinion, that other and more desirable sites might be obtained for much less, in which as will be seen below, they do not err.

COST OF A NEW PENITENTIARY.

Believing it to be more desirable to locate a new building on the suburbs of the city, where a larger space could be advantageously used for garden purposes, &c. We summoned before us, Wm. P. Lightner, an experienced property dealer, in Baltimore, and Mr. William H. Allen, a well known builder, by whose aid we are enabled to estimate the probable cost of a *new* Institution entirely, among a number of sites examined by your Committee, we were unanimous in favor of one, upon the suburbs of the city, beautifully located, 160 feet above tide water, and easily accessibly from all sections, and only one mile from the centre of the city. The property contains $22\frac{3}{4}$ acres, or in other words, forms a lot 810 x 1120 ft. which would be amply sufficient for all necessary prison buildings, workshops, &c., and still leave sufficient space for a garden, large enough to raise all the vegetables used in the Institution, which in the course of a year, amounts to several thousand dollars:

Estimated cost of property.....	\$25,000
Estimated cost of Building.....	975,000
	<hr/>
	\$1,000,000

At a first glance the above figures would seem very large, but an examination of the facts goes to show that in the purchase of this property, the advantages would in *ten years*, save to the State the entire amount of money, as shown by the following calculation of the present "Labor Lost," by idle convicts, and the saving of vegetables, &c., calculating upon an average number of 700 convicts;

187 idle men at 75 cents per day, or \$40,075 per annum, would amount in 10 years to.....	\$420,750
Saving of, say 15 cents per day in vegetables for 700 Prisoners for 10 years.....	413,250
Estimated value of the old Penitentiary Building, if sold.....	200,000
Estimated increased value of the new property in 10 years.....	30,000
Total.....	<hr/> \$1,064,000

The above estimate, your Committee believes is an entirely correct and reliable one, it will therefore be seen at a glance that the investment by the State, would not be a *losing*, but a *paying* one, and in ten years would more than pay for itself. In addition to the above *saving* as calculated, there could be another, much larger saving in the employment of the convicts, in the erection of the New Building, as their labor could be procured at an average of 75 cents per diem, which it is believed would reduce the cost of the building from the above estimate very materially.

In conclusion we would urge upon you the absolute necessity of making an immediate appropriation, to place the present building in proper condition, until permanent quarters can be assigned the inmates.

W. H. NEILSON,
Chairman,
WM. WELCH,
CHAS. H. NICOLAI,
JOHN G. HOOPER.

